

Steven M. Wilker, OSB No. 911882  
Email: [steven.wilker@tonkon.com](mailto:steven.wilker@tonkon.com)  
**Tonkon Torp LLP**  
888 S.W. Fifth Avenue, Suite 1600  
Portland, OR 97204  
Tel.: (503) 802-2040; Fax: (503) 972-3740  
Cooperating Attorney for the ACLU Foundation of Oregon

Ben Wizner (admitted *pro hac vice*)  
Email: [bwizner@aclu.org](mailto:bwizner@aclu.org)  
Nusrat Choudhury (admitted *pro hac vice*)  
Email: [nchoudhury@aclu.org](mailto:nchoudhury@aclu.org)  
**American Civil Liberties Union Foundation**  
125 Broad Street, 18<sup>th</sup> Floor  
New York, NY 10004  
Tel.: (212) 549-2500; Fax: (212) 549-2654

Kevin Díaz, OSB No. 970480  
Email: [kdiaz@aclu-or.org](mailto:kdiaz@aclu-or.org)  
**ACLU Foundation of Oregon**  
PO Box 40585  
Portland, OR 97240  
Tel.: (503) 227-6928; Fax: (503) 227-6928

Ahilan T. Arulanantham (admitted *pro hac vice*)  
Email: [aarulanantham@aclu-sc.org](mailto:aarulanantham@aclu-sc.org)  
Jennifer Pasquarella (admitted *pro hac vice*)  
Email: [jpasquarella@aclu-sc.org](mailto:jpasquarella@aclu-sc.org)  
**ACLU Foundation of Southern California**  
1313 West Eighth Street  
Los Angeles, CA 90017  
Tel.: (213) 977-9500; Fax: (213) 977-5297

Alan L. Schlosser (admitted *pro hac vice*)  
Email: [aschlosser@aclunc.org](mailto:aschlosser@aclunc.org)  
Julia Harumi Mass (admitted *pro hac vice*)  
Email: [jmass@aclunc.org](mailto:jmass@aclunc.org)  
**ACLU Foundation of Northern California**  
39 Drumm Street  
San Francisco, CA 94111  
Tel.: (415) 621-2493; Fax: (415) 255-8437

Laura Schauer Ives (admitted *pro hac vice*)  
Email: lives@aclu-nm.org  
**ACLU Foundation of New Mexico**  
PO Box 566  
Albuquerque, NM 87103  
Tel.: (505) 243-0046; Fax: (505) 266-5916

Reem Salahy (admitted *pro hac vice*)  
Email: rsalahi@salahilaw.com  
**Salahi Law**  
429 Santa Monica Blvd., Suite 550  
Santa Monica, CA 90401  
Tel.: (510) 225-8880  
Cooperating Attorney for the ACLU Foundation of Southern California

Attorneys for the Plaintiffs

**UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION**

**AYMAN LATIF, et al.,**

Plaintiffs,

v.

**ERIC H. HOLDER, JR., et al.,**

Defendants.

Case No.: 10-cv-750 (BR)

**PLAINTIFFS' CORRECTED  
MOTION FOR A PRELIMINARY  
INJUNCTION**

**ORAL ARGUMENT REQUESTED**

**LR 7-1 CERTIFICATION**

The parties made a good faith effort through telephone conferences to resolve the dispute pursuant to LR 7-1, and have been unable to do so.

## **MOTION**

Pursuant to Fed. R. Civ. P. 65(a), Plaintiffs Ayman Latif, Faisal Nabin Kashem, Elias Mustafa Mohamed, Samir Mohamed Ahmed Mohamed, Abdullatif Muthanna, Saleh A. Omar, and Abdul Hakeim Thabet Ahmed (“Plaintiffs”) move for a preliminary injunction ordering the Defendants to permit them to return to the United States by air subject to suitable screening procedures.

The Plaintiffs constitute a subset of the plaintiffs in this action, which challenges the constitutionality of the government’s “No Fly List,” the mechanism by which the government prohibits United States citizens and lawful residents from flying commercially to or from the United States or over U.S. airspace without providing any meaningful opportunity to object. They seek preliminary relief because their claims are uniquely urgent.

Plaintiffs traveled outside the country without incident, but have been effectively banished from the United States by virtue of having been placed on the No Fly List while traveling abroad. They have thus been stranded in Egypt, Saudi Arabia, and Yemen, even though they are U.S. citizens or lawful permanent residents with constitutional and statutory rights to reside in the United States and to return home from abroad. By preventing Plaintiffs from flying directly to the United States or over U.S. airspace, Defendants have effectively placed them into involuntary exile, barring them from returning home to their families, jobs, residences, and needed medical care in violation of their most basic rights.

Plaintiffs have conferred with Defendants about this motion and the urgency of their situation. The Parties filed a Joint Motion for Extension of Discovery and PTO

Deadlines and Request for Entry of a Scheduling Order on August 12, 2010, requesting that after Plaintiffs have filed this motion, Defendants will oppose by September 3, 2010, and Plaintiffs will reply by September 24, 2010. The parties have jointly requested that oral argument be scheduled during the week of September 27, 2010, or October 4, 2010, should the Court deem oral argument necessary.

The grounds for the motion are as follows: Plaintiffs are likely to prevail on their claims that Defendants have violated the Fourteenth Amendment rights of the Plaintiffs who are U.S. Citizens and the rights under the Due Process Clause and Immigration and Nationality Act of the Plaintiffs who are lawful permanent residents; absent preliminary relief, Plaintiffs will continue to suffer irreparable harm, including the injury of being prevented from returning to their country of citizenship and lawful permanent residence in violation of their constitutional and statutory rights; the requested relief will not injure the government because Plaintiffs are willing to subject themselves to thorough security screening procedures and because they present no threat to commercial aviation; the balance of equities tips in favor of Plaintiffs; and the public interest supports granting the requested relief, as shown more fully in the accompanying Memorandum of Points and Authorities, the Declarations of Ayman Latif, Faisal Nabin Kashem, Elias Mustafa Mohamed, Samir Mohamed Ahmed Mohamed, Abdullatif Muthanna, Saleh A. Omar,

Abdul Hakeim Thabet Ahmed, Raymond Earl Knaeble IV, Steven William Washburn, and Ben Wizner, and all other papers filed herewith.<sup>1</sup>

Steven M. Wilker, OSB No. 911882  
Email: steven.wilker@tonkon.com  
**Tonkon Torp LLP**  
888 S.W. Fifth Avenue, Suite 1600  
Portland, OR 97204  
Tel.: (503) 802-2040; Fax: (503) 972-3740  
Cooperating Attorney for the ACLU Foundation of Oregon

s/ Ben Wizner  
Ben Wizner (admitted *pro hac vice*)  
Email: bwizner@aclu.org  
Nusrat Choudhury (admitted *pro hac vice*)  
Email: nchoudhury@aclu.org  
**American Civil Liberties Union Foundation**  
125 Broad Street, 18<sup>th</sup> Floor  
New York, NY 10004  
Tel.: (212) 549-2500; Fax: (212) 549-2654

Kevin Díaz, OSB No. 970480  
Email: kdiaz@aclu-or.org  
**ACLU Foundation of Oregon**  
PO Box 40585  
Portland, OR 97240  
Tel.: (503) 227-6928; Fax: (503) 227-6928

Ahilan T. Arulanantham (admitted *pro hac vice*)  
Email: aarulanantham@aclu-sc.org  
Jennifer Pasquarella (admitted *pro hac vice*)  
Email: jpasquarella@aclu-sc.org  
**ACLU Foundation of Southern California**  
1313 West Eighth Street  
Los Angeles, CA 90017  
Tel.: (213) 977-9500; Fax: (213) 977-5297

---

<sup>1</sup> Plaintiffs' counsel have been unable thus far to obtain original signatures on the declarations from the Plaintiffs who bring this motion. Defendants have consented to the filing of these declarations in this form. Plaintiffs will submit the declarations with Plaintiffs' original signatures as soon as practicable.

Alan L. Schlosser (admitted *pro hac vice*)  
Email: [aschlosser@aclunc.org](mailto:aschlosser@aclunc.org)  
Julia Harumi Mass (admitted *pro hac vice*)  
Email: [jmass@aclunc.org](mailto:jmass@aclunc.org)  
**ACLU Foundation of Northern California**  
39 Drumm Street  
San Francisco, CA 94111  
Tel.: (415) 621-2493; Fax: (415) 255-8437

Laura Schauer Ives (admitted *pro hac vice*)  
Email: [lives@aclu-nm.org](mailto:lives@aclu-nm.org)  
**ACLU Foundation of New Mexico**  
PO Box 566  
Albuquerque, NM 87103  
Tel.: (505) 243-0046; Fax: (505) 266-5916

Reem Salahi (admitted *pro hac vice*)  
Email: [rsalahi@salahilaw.com](mailto:rsalahi@salahilaw.com)  
**Salahi Law**  
429 Santa Monica Blvd., Suite 550  
Santa Monica, CA 90401  
Tel.: (510) 225-8880  
Cooperating Attorney for the ACLU Foundation of  
Southern California

Attorneys for Plaintiffs.

August 16, 2010